

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: CASE NO. 18-11247

Sergio E. Sandoval; CHAPTER 13

Debtor(s). JUDGE Janet S Baer

NOTICE OF MOTION

PLEASE TAKE NOTICE that on September 6, 2019 at 9:30 AM, or soon thereafter as counsel may be heard, I shall appear before the Honorable Janet S Baer or any judge sitting in his/her stead, in the courtroom usually occupied by him/her in Room 240 at 100 South Third Street, Geneva, IL 60134, and move to present the attached motion.

/s/ Theodore Konstantinopolous
Attorney for Creditor

NOTE: This law firm is deemed to be a debt collector.

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2019, a true and correct copy of the foregoing NOTICE OF MOTION was served:

Via the Court's ECF system on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

David M. Siegel, Debtor's Counsel

Glenn B. Stearns, Trustee

Patrick S. Layng, U.S. Trustee

And by regular US Mail, postage pre-paid on:

Sergio E. Sandoval, 319 Jackson St., Aurora, IL 60505

/s/ Thomas Girard

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MOTION FOR RELIEF FROM AUTOMATIC STAY

Now comes Old Second National Bank, secured creditor herein, by and through its attorneys, ANSELMO LINDBERG & ASSOCIATES LLC, and moves for entry of the attached Order Granting Relief from the Automatic Stay and in support thereof respectfully states as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334 and the general orders of the Northern District of Illinois.
2. Venue is fixed in this Court pursuant to 28 U.S.C. § 1409.
3. This matter constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(G).
4. The debtor filed a petition for relief under Chapter 13 on April 18, 2018. The Chapter 13 Plan was confirmed on July 20, 2018.
5. Old Second National Bank holds a mortgage secured by a lien on debtor's real estate commonly known as 319 Jackson St., Aurora, Illinois 60505.
6. There is no equity in the property as the value is \$130,000.00 (per Schedule A/B) and the total payoff amount as of August 6, 2019, is \$237,749.13.
7. That as of August 6, 2019, the loan is past due for the July 1, 2018 to June 1, 2019 payments in the amount of \$1,004.27 each, the July 1, 2019 to August 1, 2019 payments in the amount of \$1,125.11 each. The suspense credit is \$37.38. The total default is \$14,264.08, not including attorney fees and costs for bringing this motion.

8. The failure of the debtor to make timely payments is cause for the automatic stay to be modified as to the movant pursuant to 11 U.S.C. § 362(d)(1).
9. The movant requests the Court order that Rule 4001(a)(3) is not applicable

WHEREFORE, Movant prays for an entry of the attached Order Granting Relief from the Automatic Stay and for such further relief as this Court deems proper.

Old Second National Bank

/s/ Theodore Konstantinopolous

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